

REMARKS

Claims 1-33 are pending in the present application. Claims 1, 13, 28 and 30 are being amended. Claims 2, 14, 29 and 31 are being cancelled. Accordingly, after the amendments made herein, claims 1-13, 15-28, 30 and 32-33 are pending..

I. Rejection of Claims 1-33 under 35 USC § 102(e)

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being allegedly anticipated by Larson et al. (U.S. Patent Publication No. 2003/0161268). The rejections with respect to Claims 1, 3-13, 15-28, 30-31 and 33 are moot since Applicants have amended claims 1, 13, 28 and 31 to include the subject matter of claims 2, 14, 29 and 32, respectively. The rejections with respect to claims 2, 14, 29 and 32 are traversed as follows.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The invention of amended Claim 1 claims, among other things, “wherein the scheduling of the first signal transmission comprises determining a **direct signal transmission** from the first transmitting terminal to the first receiving terminal **simultaneously** with the second signal transmission does not satisfy a target quality parameter for the first receiving terminal and the second receiving terminal” (Emphasis added.)

Larson et al. discloses a system of selecting communication paths in a multihop network. Larson et al. describes considerations on the physical layer, the media access layer and higher layers being taken into consideration in determining routing of communications in multiple hops from a sending terminal to a receiving terminal. Larson et al. does not however, consider the impact of a direct transmission from sender to receiver on other terminals, particularly not the impact of direct signal transmission on **simultaneous** transmission between two other terminals. That is, Larson et al. attempts to determine the best path for a single communication, but does not

consider simultaneously other communications, as claimed in amended claim 1. Accordingly, claim 1, and claims 3-12 which depend from claim 1, are allowable for at least the reasons described above.

Claims 13, 28 and 30, and claims 15-27 which depend from claim 13 and claims 32-33 which depend from claim 30 are allowable for at least the reasons described above with respect to claim 1.

REQUEST FOR ALLOWANCE


Applicant has reviewed the references of record. Applicant asserts that the claims are patentably distinct from the references of record. In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

CONCLUSION

Applicant requests a one-month extension of time to respond to the Office Action dated October 19, 2006, up to and including February 20, 2007. The Commission is hereby authorized to charge Deposit Account No. 17-0026 \$120.00, the requisite fee for a one-month extension of time. The Commission is hereby authorized to charge or credit any fees associated with this matter to Deposit Account No. 17-0026.

Respectfully submitted,

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